UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

UNITED STATES, *et al.*, *Plaintiffs*, vs. GOOGLE LLC, *Defendant*.	No: 1:23-cv-00108-LMB-JFA

DEFENDANT GOOGLE LLC'S OBJECTIONS
TO THE PUBLIC USE OF CONFIDENTIAL
DOCUMENTS AND TESTIMONY

Pursuant to the Court's Order dated June 24, 2024 (Dkt. No. 871), Defendant Google

LLC ("Google") submits these Objections to the Public Use of Confidential Documents and

Testimony ("Disclosure Objections").[1] Google objects to the public disclosure of a narrow set

of information contained within exhibits and testimony identified on Plaintiffs' Amended Trial

Exhibit List (Dkt. No. 923), Defendant Google's Trial Exhibit List (Dkt. No. 894), and

Plaintiffs' Notice of Intent to Present Deposition Testimony (Dkt. Nos. 895; 895-1). Google

objects to the disclosure of this information on the basis that it implicates Google's trade

secrets and proprietary information as well as other highly sensitive and competitive business

information, *Doe* v. *Pub. Citizen*, 749 F.3d 246, 269 (4th Cir. 2014), and/or private personal

information of its employees, *Global Tel*Link Corporation v. JACS Solutions, Inc.*, 2023 WL

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[1] In filing these Disclosure Objections, Google does not waive any objections to the admission of any exhibit on Plaintiffs' Amended Trial Exhibit List (Dkt. No. 923) or deposition testimony designated by Plaintiffs (Dkt. Nos. 895; 895-1; 917; 917-2) as allowable under the Federal Rules of Evidence, the Local Rules, and by prior order of the Court.

9197897, at *1 (E.D. Va. Oct 4, 2023).[2]

In **Appendix A**, Google provides a non-confidential description of the material of which it objects to public disclosure and the bases for the objections. Google's objections are narrowly tailored to be limited to its highly sensitive proprietary and confidential business information, including confidential financial information, such as profit and loss statements, specific customer pricing and other sensitive customer information, technical details of products, source code, and confidential data, as well as its employees' private personal information, including mobile phone numbers and compensation. Google also objects to the public disclosure of information implicating the protections of attorney-client privilege and the attorney work product doctrine, which information was disclosed to Plaintiffs for limited purpose and subject to an agreement that such disclosure did not and would not constitute waiver of the attorney client privilege, attorney work product protections, or other applicable protections from disclosure.

District courts in the Fourth Circuit have protected from public disclosure similar categories of information even where the First Amendment right of access attaches. *See, e.g.*, *E. W., LLC v. Rahman*, 2012 WL 3843657, at *3 (E.D. Va. Sept. 4, 2012) ("sensitive financial data, including gross profit data, the disclosure of which would be highly likely to cause significant harm to the [company's] business competitive position"); *Hanwha Azdel, Inc. v. C&D Zodiac, Inc.*, 2013 WL 12314517, at *2 (W.D. Va. Aug. 7, 2013) (proposed "redactions contain confidential and proprietary commercial information, including information related to highly sensitive pricing and payment terms as well as product specifications"); *HiQ Materials*

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[2] Google incorporates by reference its prior briefing in support of its motions to seal certain material that implicates Google's trade secrets and proprietary information as well as other highly sensitive and competitive business information. *See* Dkt. No. 880.

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AG v. ICP Indus., Inc., 2023 WL 4842783, at *2 (M.D.N.C. June 28, 2023) (defendant "seeks to redact only proprietary business and customer information and trade secrets in the form of financial analyses, market research, pricing formulas, and highly sensitive customer needs and preferences"); *Adjabeng v. GlaxoSmithKline, LLC*, 2014 WL 459851, at *2 (M.D.N.C. Feb. 5, 2014) (where personally identifiable information is "not important to the disposition of the case, it is appropriate to seal . . . in order to protect [an individual's] privacy interests.").

For the foregoing reasons, Google respectfully requests that the Court enter an order sealing the exhibits and testimony or portions thereof identified in Appendix A.

Dated: July 26, 2024

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